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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,648	03/31/2000	Paul G. Skuriat	20558-011	1725
30623	7590	05/18/2006	EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/540,648	Applicant(s) SKURIAT ET AL.	
	Examiner Ella Colbert	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 and 10-14 are pending. Claims 1-8 and 10 have been amended and claims 11-14 have been added in this communication filed 02/21/06 entered as Amendment with Filing of RCE.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/21/06 has been entered.

Abstract

3. Applicants' Abstract is objected to because: the abstract contains over 150 words.

Applicants' are reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The dependent claims 11-14 that depend therefrom are also rejected since they depend from a rejected independent claim.

The preamble of the claims 1, 5, and 10 recites "a trade management process" and the body of the claims recites "a trade management system". The preamble and the body of claims 1 and 10 are not in agreement. "Trade management process" is mentioned once in the body of the claim. Claim 5 has "trade management process" in the preamble and "trade management system" in the body of the claim and "trade management process" is mentioned once in the body of the claim. Also claim 1 recites "two communications", a "first participate", and "a first one of the said steps measured". The "first communication", the "second participate", and "a first one of the said steps measured" are not mentioned. These claim limitations have a lack of antecedent basis.

Claims 1-8 recite "a function of said time-of-completion", "a function of a time elapsed", and "a function of said time information". It is unclear from the Specification, drawings, and claim language what Applicants' mean by "a function of said time-of-completion", "a function of a time elapsed", and "a function of said time information".

Claims 1, 3, 4, 6, and 10 recite "post-trade measure". It is not clear from the claim language how the post-trade measure is generated.

Applicants' are reminded that a preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants' are respectfully requested to refer to the references used in this office action and refer to the MPEP for the proper format for drafting claims.

Examination has been done to the best of the Examiner's ability given the condition of the Claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 6,606,608) Bezos et al.

As per claim 1, Bezos teaches, A system providing a measure of performance of participants to a trade management process, said trade management process including transmitting trade-related information between said participants, said system comprising: a trade management system configured to receive at least two communications, at least said second of which is from a first participant to said trade management process, each communication including information associated with a step in process for closing a trade (col. 1, line 54-col. 2, line 2); and a database configured to store time- of- completion information including at least one time- of -completion value representative of a time of completing at least a second of one of said steps measured from a start time, wherein the time -of -completion value is recorded when said second of said communications is received by said trade management system (col. 6, lines 18-46 and figures 1-5). Bezos failed to teach, a processor configured to store a post-trade measure of performance with respect to said first participant as a function of said time - of -completion information, said measure of performance being a function of a time elapsed between the said completion of said steps in said trade management process. Hawkins teaches, a processor configured to store a post-trade measure of performance with respect to said first participant as a function of said time -of -completion information, said measure of performance being a function of a time elapsed between the said completion of said steps in said trade management process (col. 14, line 43-col. 15, line 18 and figure 11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a processor configured to store a post-trade measure of performance with respect to said first participant as a function of

said time -of -completion information, said measure of performance being a function of a time elapsed between the said completion of said steps in said trade management process and to modify in Bezos because such a modification would allow Bezos to have the capability to have the time of completion stamped to indicate the time that has elapsed between the completion (settlement) of the trade.

As per claim 2, Bezos teaches, A system according to claim 1 wherein said trade management system receives a plurality of communications from said first participant to said trade management process (col. 3, lines 46-64); said database being configured to store time information including at least one time value representative of a time when at least two of said plurality of communications are received by said trade management system (col. 4, line 59-col. 5, line 62 and figures 4 and 5); and said processor being configured to generate a measure of post-trade performance with respect to said first participant as a function of said time information for said at least two of said plurality of communications received by said trade management system (col. 5, line 63-col. 6, line 17 and figure 5).

As per claim 3, Bezos teaches, A system according to claim 1 wherein said trade system is configured to receive a second communication from a second participant to a second trade management process (col. 4, line 59-col. 5, line 2 and figure 5); said database being configured to store time information including at least one time value representative of a time when said communication is received by said trade management system (col. 6, lines 18-46); and said processor being configured to

generate a measure of post-trade performance of said second participant with respect to said first participant as a function of said time information (col. 4, lines 59-67).

As per claim 4, Bezos teaches, A system according to claim 1 wherein said trade management system is configured to receive a second communication from a second participant to a second trade management process (col. 4, lines 59-67); said database being configured to store time information including at least one time value representative of a time when said second communication is received by said trade management system (col. 6, lines 18-46); and said processor being configured to generate a measure of post-trade performance of said second participant with respect to said first participant as a function of said time information (col. 4, lines 15-67).

As per claim 5, Bezos failed to teach, A system providing a measure of performance of participants to a trade management process, said trade management process including transmitting trade-related information between said participants, said system comprising: a trade management system coupled to a network and configured to receive a first communication from a first participant to said trade management process, the communication including information associated with a step in a process for closing a trade. Hawkins teaches, A system providing a measure of performance of participants to a trade management process, said trade management process including transmitting trade-related information between said participants, said system comprising: a trade management system coupled to a network and configured to receive a first communication from a first participant to said trade management process, the communication including information associated with a step in a process for closing

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a trade (col. 8, line 64-col. 9, line 9, and fig.1). Bezos teaches, a communication recording system coupled to said trade management system and configured to record time information including at least one time value representative of a time when said first communication is received by said trade management system and an information processing system coupled to said trade management system and configured to generate a measure of post-trade performance with respect to said first participant as a function of said time information (col. 3, line 65-col. 4, line 58) and an information processing system coupled to said trade management system and configured to generate a measure of post-trade performance with respect to said first participant as a function of said time information for said at least two of said plurality of communications received by said trade management system (col. 1, lines 32-53 and col. 4, line 15-col. 5, line 67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a trade management system coupled to a network and configured to receive a first communication from a first participant to said trade management process, the communication including information associated with a step in a process for closing a trade and to modify in Bezos because such a modification would allow Bezos to have information that could identify the order and the trader's account number and any special instructions.

As per claim 6, Bezos teaches, A system according to claim 5 wherein said trade management system is adapted to receive a plurality of communications from said first participant to said trade management process (col. 3, line 46-col. 4, line 14); said communication recording system is configured to record time information including at

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least one time value representative of a time when at least two of said plurality of communications are received by said trade management system (col. 4, line 59-col. 5, line 16 and figure 5); and said information processing system is configured to generate a measure of post-trade performance with respect to said first participant as a function of said time information for said at least two of said plurality of communications received by said trade management system (col. 4, lines 15-col. 5, line 16 and col. 6, lines 2-46)

As per claim 7, Bezos teaches, A system according to claim 5 wherein said trade management system is adapted to receive a second communication from a second participant to a second trade management process (col. 4, lines 59-col. 5, line 16); said recording system is configured to record time information including at least one time value representative of a time when said communication is received by said trade management system (col. 6, lines 18-46); said information processing system is configured to generate a measure of post-trade performance of said second participant with respect to said first participant as a function of said time information (col. 4, lines 59-col. 5, line 2 and figures 4 and 5).

As per claim 8, this claim is rejected for the similar rational as given above for claim 7.

As per claim 10, Bezos failed to teach, A method of providing a measure of performance of participants to a trade management process, said trade management process including transmitting trade-related communications between said participants, said method comprising: providing a trade management system adapted for receiving

said trade-related communications sent between said participants. Hawkins teaches, providing a trade management system adapted for receiving said trade-related communications sent between said participants (col. 8, line 64-col. 9, line 9, and fig. 1). Hawkins failed to teach, receiving a first communication from a first participant to said trade management process including information associated with a step in a process for closing a trade; receiving a second communication from said first participant or from a second participant to said trade management process including information associated with a step in a process for closing a trade; recording time information including at least one time value representative of said times when said first communication and when second communication are received by said trade management system; and generating a measure of post-trade performance with respect to said first participant as a function of said time elapsed between the first communication and the second communication. Bezos teaches, receiving a first communication from a first participant to said trade management process (col. 4, lines 41-58); recording time information including at least one time value representative of the times when said first communication and when second communication are received by said trade management system (col. 4, line 59-col. 5, line 2); receiving a second communication from the first participant or from a second participant to said trade management process (col. 4, lines 15-40); and generating a measure of performance with respect to said first participant as a function of the time elapsed between the first communication and the second communication (col. 4, line 59-col. 5, line 51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to providing a trade management system

adapted for receiving said trade-related communications sent between said participants and to modify in Hawkins because such a modification would allow Hawkins to have information that could identify the order and the trader's account number and any special instructions.

As per claim 11, Bezos teaches, The system of claim 1 wherein: a first communication of said at least two communications includes trade details and allocation instructions (col. 6, lines 18-65); and said second of said at least two communications includes a response to said first communication (col. 6, line 67-col. 7, line 17).

As per claim 12, this dependent claim is rejected for the similar rationale as given for claim 11.

As per claim 13, this dependent claim is rejected for the similar rationale as given above for claim 11.

As per claim 14, this dependent claim is rejected for the similar rationale as given above for claims 11-13.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Minton (US 6,014,643) disclosed a securities trading system.

Potter et al (US 5,787,402) disclosed financial transactions with foreign currencies.


Inquiries

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 15, 2006


ELLA COLBERT
PRIMARY EXAMINER